

# CODE OF CONDUCT

DELTA HEALTH  
SYSTEM-THE MEDICAL  
CENTER

## **DELTA HEALTH SYSTEM-THE MEDICAL CENTER**

Dear Colleague,

The true foundation of Delta Health System-The Medical Center (TMC) has always been its commitment to provide quality care to its patients, its community, and its employees. We at TMC strive to ensure an ethical and compassionate approach to health care delivery and management and to act with absolute integrity in the way we do our work and the way we live our lives.

This Code of Conduct provides our employees, trustees, medical staff members, privileged physicians, and other affiliated medical professionals, volunteers, independent contractors, agents, vendors, and suppliers' guidance to ensure work is done in an ethical and legal manner. It emphasizes the shared common values which guide our actions. It also contains resources to help resolve any questions about appropriate conduct in the workplace. Please review this Code of Conduct thoroughly. Your adherence to it is absolutely critical to our future.

No Code of Conduct can substitute for our own internal sense of fairness, honesty, and integrity. Thus, in your daily life and work, if you encounter a situation or are considering a course of action which may be technically within the guidelines of the Code of Conduct, but you are worried the contemplated action simply "does not feel right," please discuss the situation with any of the resources identified in this booklet.

There are many legal requirements for healthcare organizations, and you should understand those that pertain to your work. It is your duty to follow these rules. Every employee must read and abide by the Code of Conduct. We thank you for joining us in an absolute commitment to uphold all of our obligations under the law.

It is also a privilege to be part of a healthcare organization and to help other people. Whether you provide care on the frontlines or support those who do, we hope you are proud of your role in delivering safe, quality, compassionate healthcare. We are proud of the work you do and appreciate your ideas, participation in, and contributions to our team.

In closing, we trust you as a valuable member of our health care team. We ask you to assist us and all of our employees in this organization in supporting the values and principles that are critical to achieving our mission of providing quality health care to our patients.

Sincerely,

Iris Yeldell Stacker  
Chief Executive Officer

## **THE ROLE OF MANAGEMENT**

Throughout Delta Health System-The Medical Center (TMC), colleagues are required to follow the Code of Conduct. All managers, directors, supervisors, board members, and staff are expected to set the example by conducting their business affairs consistent with the highest ethical and legal standards. Supervisors must ensure their staff has the tools to perform assigned tasks according to applicable laws and policies. In addition, the Board of Trustees of TMC has established the Executive Compliance Committee (the “Committee”). The Committee is responsible for the adoption, amendment, and ultimate enforcement of the Compliance Program. The standing members of this Committee are:

Iris Yeldell Stacker, Chief Executive Officer  
Charles Thomas Moore, Chief Financial Officer  
Amy Walker, Chief Nursing Officer  
Stephanie Patton, Executive Director of Health System Development  
Jennifer Parker, Compliance and Privacy Officer

The responsibilities of the Compliance and Privacy Officer include:

- € Overseeing and monitoring the implementation of the Compliance Program.
- € Designing and deploying a comprehensive compliance risk assessment program to identify potential risks to the organization.
- € Creating routine and focused auditing and monitoring activities pursuant to identified potential risks to the organization and acting upon the results of those assessments to mitigate and correct inappropriate or inadequate controls, up to and including reporting to appropriate government authorities.
- € Meeting regularly with the Executive Compliance Committee to discuss compliance risks, progress of implementation of risk mitigation activities, and assisting the Committee with establishing plans and methods to reduce the organization’s vulnerability to fraud, abuse, and waste.
- € Periodically revising the Program in light of changes in the needs of the organization, and in the law and policies and procedures of government and private payer health plans.
- € Developing, coordinating, and participating in a multifaceted education and training program that focuses on the elements of the Compliance Program, meets federal requirements, and seeks to ensure that all appropriate colleagues and management are knowledgeable of, and in compliance with, Applicable Laws.
- € Seeking to ensure independent contractors, vendors and/or agents who furnish medical and other services to the facilities are aware of the requirements of the Compliance Program.
- € Coordinating personnel issues with appropriate supervisors to assure colleagues, medical staff, and independent contractors have not been sanctioned or excluded from participation in any federal healthcare program.
- € Assisting the organization’s financial officers in coordinating internal review and monitoring activities, including periodic reviews of facilities.
- € Independently investigating and acting on matters related to compliance, including

the flexibility to design and coordinate internal investigations (e.g., responding to reports of problems or suspected violations) and any resulting corrective action with the facility, departments, providers and sub-providers, vendors, agents and, if appropriate, independent contractors.

- € Developing policies and programs that encourage the reporting of suspected fraud and other improprieties without fear of retaliation.
- € Preparing and submitting all periodic reports required under the Compliance Program to the Executive Compliance Committee, the Board Audit and Compliance Committee, and the government under any System Integrity Agreements or compliance reporting requirements for settlement agreements.

### **THE ROLE OF THE INDIVIDUAL**

Every TMC colleague is required to comply with the Code of Conduct. Each individual is expected to perform his/her daily activities with the highest standards of ethics and compliance. Colleagues should notify the Compliance and Privacy Officer or the Confidential Compliance/HIPAA Hotline of any known or suspected violations of law, the Code of Conduct, or Compliance policy. The only way we can address concerns and live up to our expectations for ethical conduct is if we learn about those concerns as soon as they arise.

#### ***Grievance Resolution***

If an individual is concerned about a personnel action that does not involve any violation of law, the Code of Conduct, or Compliance policy, he/she may file a grievance. The Human Resources Department can provide a grievance resolution form and assistance in preparing and presenting a grievance. Information provided or received as part of the grievance process is held in strict confidence. Refer to your Handbook or contact the Human Resources Department for more information.

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### **Mission Statement**

Delta Health System-The Medical Center (TMC) strives to provide high quality medical services to the citizens and communities in the Tri-State Delta Region at the lowest practical cost and be a leader in providing needed support services to healthcare providers and patients to improve the health of the communities we serve.

TMC believes that dedication to the highest ethical standards is essential to this mission. This dedication is important because TMC is charged with serving the community and because a significant percentage of the hospital's services is reimbursed through governmental programs which require that TMC's business be conducted with complete integrity. We are committed to meeting high ethical standards in all of our activities.

In pursuit of our mission, we believe the value statements are essential and timeless:

- We act with a high regard for self, employees and others without reference to race, sex, age, socioeconomic status, disability, or religion.
- We provide service with a personal commitment to compassionate and kind care to our patients.
- We promote responsibility and accountability for all of our actions. We insure innovative thinking, planning and implementation that is flexible and responsive to needed change.
- We recognize that all employees and hospital departments are essential to fulfilling the mission of TMC.

Constant vigilance is necessary to avoid impropriety. Consequently, TMC has developed a Compliance Program to set standards for conduct and to monitor conduct in various areas of TMC. Although the implementation and enforcement of the Compliance Program will be centrally directed, the responsibility for compliance ultimately rests with all TMC employees, trustees, medical staff members, privileged physicians, and other affiliated medical professionals, volunteers, independent contractors, agents, vendors, and suppliers ("TMC Colleagues").

TMC is committed to complying with all applicable federal and state regulations. All Colleagues must be knowledgeable about and ensure compliance with all laws, regulations, conditions of participation and policies, procedures or instructions communicated by the Centers for Medicare and Medicaid Services ("CMS") or other regulatory agencies.

## Purpose and Commitments

Delta Health System-The Medical Center's purpose is to provide quality health care and service to the people in our community. We are committed to a comprehensive approach that meets the needs of all patients and the community at large. The Code of Conduct provides guidance to all TMC Colleagues and assists us in carrying out our daily activities within appropriate ethical and legal standards. These obligations apply to our relationships with patients, affiliated physicians, third-party payers, subcontractors, independent contractors, vendors, consultants, and one another.

While all TMC Colleagues are obligated to follow the Code of Conduct, we expect our leaders to set the example. They must ensure that those in their departments have sufficient information and resources to comply with laws, regulations, policies, and the Code of Conduct. Leaders must help to create a culture within TMC which promotes the highest standards of ethics and compliance and encourages everyone in the organization to share concerns when they arise. We must never sacrifice ethical and compliant behavior in the pursuit of business objectives.

### **In an effort to fulfill our mission and purpose, we offer the following commitments:**

***To our patients:*** We will provide facilities and programs designed to meet a broad range of health care needs in a cost-effective manner.

***To TMC employees:*** We are committed to providing a work setting which treats all employees with fairness, dignity, and respect, and affords them an opportunity to grow, to develop professionally, and to work in a team environment in which all ideas are considered.

***To our physicians:*** We will, within the financial resources of TMC, provide state-of-the-art technology and innovative programs to meet the needs of our patients, to prevent illness and to restore health.

***To our third-party payers:*** We are committed to dealing with our third-party payers in a way that demonstrates our commitment to contractual obligations and reflects our shared concern for quality health care and bringing efficiency and cost effectiveness to healthcare.

***To our regulators:*** We are committed to an environment in which compliance with rules, regulations, and sound business practices is woven into the TMC culture. We accept the responsibility to aggressively self-govern and to monitor adherence to the requirements of law and to our Code of Conduct.

***To our vendors:*** We are committed to fair competition among prospective suppliers and the sense of responsibility required of a good customer.

***To our volunteers:*** We acknowledge that voluntary assistance to the needs of patients and their families is an integral part of health care. We are committed to insuring that our volunteers feel a sense of fulfillment from their volunteer work and receive recognition for their efforts.

***To the community:*** We will provide quality and cost effective services as well as participate in community activities as a responsible corporate citizen.

***To the System Board of Trustees and Citizens of the counties we serve:*** We will provide prudent asset management and creative growth strategies in striving to meet our goals and keeping our commitments.

## **Code of Conduct and Ethical Behavior**

Set forth in this Code of Conduct is a set of standards to evaluate situations in a consistent manner and arrive at uniform and appropriate decisions. The underlying principles of these standards are based on common sense, courtesy, and ethical and legal concepts that are essential to govern the business and operations of Delta Health System-The Medical Center. It is important that all TMC Colleagues understand these standards and abide by them daily.

In furtherance of these principles, the mission and the commitments of TMC, the following Code of Conduct standards are in effect:

### **Relationships with the Health Care Community**

In all of our relationships with the health care community, we respect our obligations and neither expressly or implicitly promise performance which we cannot reasonably provide.

#### ***Relationships with Patients***

- Patient Care and Rights

Our mission is to provide high quality, cost effective healthcare to all of our patients on an equal-opportunity basis. We will service patients regardless of financial status. We make no distinction in the admission, transfer, or discharge of patients, or in the care we provide based on age, race, color, national origin, ethnicity, religion, culture, language, physical or mental disability, socioeconomic status, sex, sexual orientation, or gender identity or expression.

Upon admission, each patient is provided with a written statement of patient rights. This statement includes the rights of the patient to make decisions regarding medical care and conforms to all applicable state and federal laws. We obtain informed consent for treatment. As applicable, each patient or patient representative is provided with a clear explanation of care and an explanation of the risks and benefits associated with available treatment options, including advance directives.

In the promotion and protection of each patient's rights, each patient and his or her representative(s) will be accorded appropriate confidentiality, privacy, security and protective services, opportunity for resolution of questions or complaints, and pastoral care or spiritual care. We obtain proper authorizations to disclose a patient's protected health information as required by the Health Insurance Portability and Accountability Act (HIPAA) privacy rule. In addition, during the patient's first encounter with the hospital (or the patient's first encounter after April 14, 2003), the patient will receive a copy of TMC's Notice of Privacy Practices and will be asked to sign a statement acknowledging that he or she has received the Notice of Privacy Practices. This statement should be maintained in the patient's chart.

Compassion and care are part of our commitment to the community we serve. We strive to provide health education, health promotion, and illness-prevention programs as part of our efforts to improve the quality of life of our patient and our communities. We will participate in cooperative programs of educational institutions and community service organizations.

- Emergency Treatment

We follow the Emergency Medical Treatment and Active Labor Act (EMTALA) in providing emergency medical treatment to all patients, regardless of ability to pay. Provided we have the capacity and capability, anyone with an emergency medical condition is treated and admitted based on medical necessity. In cases of an emergency nature, or if the patient is in labor, financial and demographic information will be obtained only after an appropriate medical screening examination and necessary stabilizing treatment (including treatment for an unborn child). We do not admit, discharge, or transfer patients simply on their ability or inability to pay. Patients will only be transferred to another facility at the patient's request or if the patient's medical needs cannot be met at the TMC facility and appropriate care is knowingly available at another facility. Patients may be transferred only in strict compliance with the EMTALA guidelines. Patients will not be discharged unless the discharge is supported by medical criteria.

- Patient Information

We collect information about the patient's medical condition, history, medication, and family illnesses in order to provide quality care. TMC will maintain complete and accurate patient medical records. The medical record will support all medical decisions and the medical necessity for diagnostic testing. We do not release or discuss patient specific information with others unless it is necessary for treatment, payment, or health care operations, requested or authorized by the patient and / or required by law. TMC will document all disclosures of patient information required by the HIPAA privacy rule to be disclosed in an accounting to the patient.

TMC Colleagues must never disclose confidential information that violates the privacy rights of our patients. TMC Colleagues do not have a right to any patient information other than the minimum necessary to perform his or her job and in compliance with applicable law.

Medical documents and records are retained in accordance with the law and our record retention policy. Medical documents include paper documents, computer-based information and any other medium that contains information about the patient or the organization. It is important to retain and destroy records only according to TMC policy. TMC Colleagues must not tamper with records, nor remove or destroy them prior to the specified date.

Patients have certain rights relating to their medical records, including the right to inspect and copy their records, the right to amend their records, the right to request restrictions on the use and disclosure of their protected health information, and the right to request an accounting of disclosures. TMC has policies and procedures which should be consulted concerning issues relating to these patient rights. When in doubt, TMC employees should consult the Privacy Officer.

### ***Relationships with Physicians and Referral Sources***

- **Business Arrangements**

Any business arrangement with a physician must be structured to ensure compliance with legal requirements. Such arrangements must be in writing and approved by the TMC Executive Team.

- **Referrals**

In order to ethically and legally meet all standards regarding referrals and admissions, we will adhere strictly to two primary rules:

1. We do not pay or offer to pay for referrals. We accept patient referrals and admissions based solely on the patient's clinical needs and our ability to render the needed services. Violation of this policy may have grave consequences for the organization and the individuals involved, including civil and criminal penalties, and possible exclusion from participation in federally funded healthcare programs;
2. We do not accept payments for referrals we make. TMC Colleagues are not permitted to solicit or receive anything of value, directly or indirectly, in exchange for the referral of patients. Similarly, when making patient referrals to another healthcare provider, TMC does not take into account the volume or value of referrals that the provider has made (or may make) to the TMC.

- **Business Courtesies**

Any entertainment or gift involving physicians or other persons who are in a position to refer patients to TMC must be undertaken in accordance with facility policies. TMC will comply with all federal laws, regulations, and rules regarding these practices. TMC Colleagues must contact anyone of the resources listed in this Code of Conduct before giving a business courtesy to a physician or other referral source. Discounts on health care items and services are considered to be business courtesies and must be given only in accordance with federal and state law.

- **Recruitment**

When recruiting physicians, we will respond to demonstrated community need and will utilize recruiting techniques that conform to all federal and state law and that are sensitive to local concerns.

### ***Relationships with our employees***

- **Harassment, Discrimination, Retaliation, and Violence**

Everyone has a right to a work environment free of unlawful harassment, discrimination, and retaliation based on race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, genetic information, citizenship, veteran status, military or uniformed services, or other legally protected characteristics or conduct. We will not tolerate any unlawful harassment of

colleagues or applicants. The organization will take action to fairly and objectively address any complaints of unlawful harassment, discrimination, retaliation, or workplace violence. If you experience or witness such behavior, contact the Human Resources Department, the Compliance and Privacy Officer, or the Confidential Compliance/HIPAA Hotline.

The organization and affiliated entities are committed to creating a culture of inclusivity, drawing from employees' individual backgrounds, identities, talents, and experiences to ensure the provision of high-quality healthcare to all patients. Leaders are held accountable for cultivating a workplace that respects the uniqueness of all employees, and each team member is expected to treat others with dignity and respect.

Licensure and certification boards have legal standards that govern medical practitioners', physicians', nurses' and other hospital personnel duties and behavior. Accordingly, anyone who observes or that is otherwise made aware of disruptive behavior by a practitioner should document the behavior and report it to the Human Resources Department, the Compliance Officer, or a member of administrative management. "Disruptive conduct" includes conduct that poses a threat to patient care or exposes the hospital and/or Medical Staff to liability.

Workplace violence, such as robbery, assault, battery, vandalism, and other crimes will not be tolerated. Colleagues may not bring firearms, explosive devices, or other weapons or dangerous materials into any hospital, practice, agency, home health agency, physician clinic, ambulatory surgery center, or office building. Colleagues who witness any form of violence are required to report the conduct to the Compliance and Privacy Officer, the Human Resources Director, the HIPAA Security Officer, or the Confidential Compliance/HIPAA Hotline.

- Equal Opportunity

We value the talents and skill sets of each colleague. The organization is determined to provide an equal opportunity environment and to comply with all Applicable Laws, regulations, and policies. It is the policy of each TMC affiliate to provide equal opportunity without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, genetic information, citizenship, veteran status, military or uniformed services, or other legally protected characteristics.

### ***Relationship with Third-Party Payers***

We strive to ensure that all billings to government payers, commercial insurance payers and patients are true and accurate and conform to all pertinent federal and state laws and regulations. We prohibit any TMC Colleague from knowingly presenting or causing to be presented claims for payment or approval from TMC which are false, fictitious, or fraudulent. Any employees performing billing or coding services must have the necessary skills, quality control processes, systems, and appropriate procedures to ensure all billings for government and commercial insurance programs are accurate and complete. Any discounts, write offs or debt forgiveness must be based solely on justifiable business practices and must conform to federal and state laws.

TMC will be forthright in dealing with any billing inquiries. Requests for information will be answered with complete, factual, and accurate information.

### ***Relationship with Sanctioned Individuals***

TMC does not contract with, employ or bill for services rendered by an individual or entity that is excluded, suspended, debarred, or ineligible to participate in federal or state health care programs, or has been convicted of a criminal offense related to the provision of health care items or services and has not been reinstated in a federal or state health care program after a period of exclusion, suspension, debarment, or ineligibility, provided that we are aware of such criminal offense. TMC routinely searches the Office of Inspector General and General Services Administration's lists of such excluded and ineligible persons.

### ***Relationships with Contractors, Suppliers, and Vendors***

- Promotion of Competition

TMC must manage its contractor, supplier, and vendor relationships in a fair and reasonable manner, consistent with all applicable laws and good business practices. We promote competition to the maximum extent practicable. Our selection of contractors, suppliers, and vendors will be made on the basis of objective criteria including quality, technical excellence, price, delivery, adherence to schedules, service, and maintenance of adequate sources of supply. Our purchasing decisions will be made on the supplier's ability to meet our needs, and not on personal relationships and friendships.

- Business Courtesies

As a TMC Colleague, you may accept gifts with a total value of \$100.00 or less during the course of anyone year period from any individual or organization that has a business relationship with TMC. For purposes of this paragraph, physicians practicing at TMC are considered to have such a relationship. Perishable or consumable gifts given to a department or group are not subject to any specific limitation. You may not accept gift certificates, cash, or financial instruments (for example, checks, or stocks). Under no circumstances may you solicit a gift. You should not accept a gift that would influence a business decision you make on behalf of TMC. Finally, before attending an event sponsored by a current or potential business associate of TMC, you must obtain the permission of your supervisor or of TMC's Compliance Officer.

It is critical to avoid the appearance of impropriety when giving gifts to individuals who do business or are seeking to do business with TMC. We will never use gifts or other incentives to influence relationships or business outcomes. Gifts to business associates generally must not exceed \$50.00 per year per recipient.

### ***Relationships with Competitors***

TMC is subject to antitrust laws which could be violated by discussing TMC business with a competitor, including discussing how our prices are set, disclosing the terms of supplier relationships, allocating markets among competitors, or agreeing with a competitor to refuse to deal with a supplier. Our competitors are other health systems and facilities in our market. TMC will not enter into an agreement with competitors to fix prices for items or services.

TMC Colleagues who attend a seminar or an organization's meeting should be alert to potential situations where it may not be appropriate to participate in discussions regarding prohibited subjects with our competitors. Prohibited subjects include any aspect of pricing, our services in the market, key costs such as labor costs, and marketing plans. If a competitor raises a prohibited subject, end the conversation immediately and report the conversation to one of the resources listed in this Code of Conduct.

### **Accreditation**

We will cooperate with, be courteous to all inspectors and surveyors, and provide them with the information to which they are entitled during an inspection or survey. TMC will deal with all accrediting bodies in a direct, open, and honest manner. No action should ever be taken with accrediting bodies that would mislead the accrediting bodies or its survey teams, either directly or indirectly. During a surveyor inspection, TMC Colleagues must never conceal, destroy, or alter any documents; lie; or make misleading statements to the agency representative. TMC Colleagues should not attempt to cause another employee to fail to provide accurate information or obstruct, mislead, or delay the communication of information or records relating to a possible violation of law.

### **Business Information and Information Systems**

#### ***Information Security and Confidentiality***

Confidential information about Delta Health System-The Medical Center's business and operations is a valuable asset. Although TMC Colleagues may use confidential information to perform their jobs, such information must not be shared with others unless the individuals have a legitimate need to know the information and have agreed to maintain the confidentiality of the information. Confidential information should never be disclosed for personal gain. Confidential information includes personnel data maintained by the organization; patient lists and clinical information; patient financial, and any other individually identifiable health information held by TMC; passwords; pricing and cost data; information pertaining to acquisitions, divestitures, affiliations and mergers; financial data; research data; strategic plans; marketing strategies and techniques; supplier and subcontractor information; and proprietary computer software. If a relationship with TMC ends for any reason, TMC Colleagues are still bound to maintain the confidentiality of information viewed during the relationship. This provision does not restrict the right of an employee to disclose, if he or she wishes, information about his or her own compensation, benefits, or terms and conditions of employment.

#### ***Communications Systems and Social Media***

All communications systems, including electronic mail, Internet access, and voice mail, are the property of TMC and are to be primarily used for business purposes. Highly limited and reasonable personal use of TMC communications systems is permitted; however, you should assume these communications are not private. TMC reserves the right to periodically access, monitor, and

disclose the contents of e-mail and voice mail messages. Employees who abuse our communications systems or use them excessively for non-business purposes may lose these privileges and be subject to disciplinary action.

TMC trusts and expects employees and colleagues to exercise personal responsibility and professionalism whenever they use social media. Employees and colleagues are responsible for making sure that their online activities do not interfere with their ability to fulfill their job requirements or their commitments to their patients, managers, or co-workers. Any issues regarding hospital business practices should be addressed within the chain of command and not through social media.

Also, unless specifically instructed, team members are not authorized and therefore restricted from speaking on behalf of TMC. Team members may not publicly discuss patients, products, other team members, or any work-related matters, whether confidential or not, outside company-authorized communications. Team members are expected to protect the privacy of TMC and its team members and patients. Team members are prohibited from disclosing personal team member and colleague information and any other proprietary and non-public information to which team members have access. Such information includes but is not limited to customer information, trade secrets, financial information, and strategic business plans.

## **COMPLIANCE**

### **WITH THE DEFICIT REDUCTION ACT OF 2005**

Employees of TMC are expected to obey the law and to work to stop and eliminate waste, fraud, and abuse with respect to payments to TMC from federal or Mississippi programs that provide payment for patient care. This policy applies to all employees, management, contractors, and agents of TMC.

This policy shall be distributed to all current and future employees and to all current and future contractors of TMC. This policy is added to the Code of Conduct Manual of Delta Health System-The Medical Center.

This policy includes information concerning laws that federal and Mississippi agencies use to fight fraud, waste, and abuse in administering federal and Mississippi health programs at TMC. Specifically, it will provide information regarding the federal False Claims Act (31 U.S.C. § 3729 et seq., hereafter “the FCA”), the Program Fraud Civil Remedies Act of 1986 (the “Act”), Mississippi laws and regulations addressing fraud and abuse, and the role of such laws in preventing and detecting fraud, waste, and abuse in federal and Mississippi health care programs. It will also refer to TMC’s existing policies and procedures for detecting and preventing fraud, waste, and abuse.

#### **I. The Federal False Claims Act**

The FCA prohibits knowingly making a false claim against the government. False claims can take the form of overcharging for a product or service, delivering less than the promised amount or type

of goods or services, underpaying money owed to the government and charging for one thing while providing another.

The FCA imposes civil penalties and is not a criminal statute. Therefore, no proof of specific intent is required for violation of a criminal statute is necessary.

Persons (including organizations such as hospitals) may be fined a civil penalty of between \$5,000 and \$10,000, plus three (3) times the amount of damages sustained by the government for each false claim. The amount of damages in health care terms is the amount paid for each false claim that is filed.

The FCA includes a provision, known as a “*qui tam*” provision, which permits private citizens to file suit on behalf of the federal government in order to recover damages incurred by the federal government as a result of contractor fraud or other false claims. If such a suit is successful, a whistleblower is entitled to a significant portion of the proceeds. Once such a *qui tam* suit is filed, the federal government conducts an investigation, and at the end of the investigation, the federal government must choose one of the following three options: (1) intervene in one or more counts of the pending *qui tam* action; (2) decline to intervene in one or more or all counts of the pending *qui tam* action; or (3) move to dismiss the complaint, either because there is no case, or because the case conflicts with significant statutory or policy interests of the United States. Remedies for the federal government with regard to *qui tam* claims include recoupment of overpayments, program exclusions, and civil monetary penalties.

Any such case must be filed within six (6) years of the false claim.

**Non-Retaliation:** Anyone initiating a *qui tam* case may not be discriminated or retaliated against in any manner by their employer in response to their bringing the claim. The employee is authorized under the FCA to initiate court proceedings to make themselves whole for any job-related losses resulting from any such discrimination or retaliation.

## **II. Program Fraud Civil Remedies Act**

The Act creates administrative remedies for making false claims separate from and in addition to the judicial or court remedy for false claims provided by the FCA. The Act deals with submission of improper "claims" or "written statements" to a federal agency, and it generally applies to claims of \$150,000 or less.

Specifically, a person violates the Act if they know, or have reason to know, he or she is submitting a claim that is:

- False, fictitious or fraudulent;
- Includes, or is supported by, written statements that are false, fictitious or fraudulent;
- Includes, or is supported by, a written statement that omits a material fact; the statement is false, fictitious or fraudulent as a result of the omission; and the person submitting the statement has a duty to include the omitted facts; or

- For payment for property or services not provided as claimed.

A violation of this prohibition carries a \$5,000 civil penalty for each such wrongfully filed claim. In addition, an assessment of two (2) times the amount of the claim may be made, unless the claim has not actually been paid.

### **III. Mississippi Fraud Control Act and Training Requirements Related to Health Care**

Mississippi has not yet enacted a statute like the federal FCA. It has, however, adopted the “Medicaid Fraud Control Act,” Miss. Code § 43-13-201. The provisions of this law are briefly described below, along with related requirements for Delta Health System-The Medical Center’s license.

#### **1. Miss. Code 43-13-213 False or Fraudulent Claim**

This statute provides that a person shall not make, present or cause a claim to be made or presented for Medicaid benefits if the person knows the claim to be false, fictitious or fraudulent.

Further, Miss. Code § 43-13-215 provides that a person who violates this provision shall be guilty of a felony, and, upon conviction, shall be punished by imprisonment of up to five (5) years, or by paying a fine of up to Fifty Thousand Dollars (\$50,000), or both. Sentences imposed for convictions of separate offenses under the Fraud Control Act may run consecutively.

#### **2. Mississippi Licensing Requirements**

The licensure regulations of the Mississippi Department of Health require the following general actions by TMC to maintain its license.

Rule 104.01 of the Mississippi Department of Health’s regulations on Health Facilities Licensure and Certification, Minimum Standards of Operations for Mississippi Hospitals requires that the governing body of TMC must adopt bylaws in accordance with legal requirements and with its community responsibility. Code Miss. R. 15 41 104.01 (2005). Furthermore, Rule 105.04 requires the governing body of TMC, through its administrator, to take all reasonable steps to comply with all applicable federal, state, and local laws and regulations. Code Miss. R. 15 41 105.04 (2005).

### **IV. The Role of Such Laws in Preventing and Detecting Fraud, Waste, and Abuse in Federal and Mississippi Health Care Programs**

The laws described in this policy create a comprehensive process for controlling waste, fraud and abuse in federal and Mississippi health care programs by giving appropriate governmental agencies the authority to seek out, investigate and prosecute violations. Governments pursue their

enforcement activities through criminal, civil or administrative means. This range of options provides a broad spectrum of remedies to address the fraud and abuse problem.

Moreover, whistleblower protections, such as those included in the FCA, provide protections for individuals who report suspected fraud and abuse in good faith.

#### **V. Delta Health System-The Medical Center existing policies and procedures for detecting and preventing fraud**

The TMC's administrative policies, procedures and compliance plan constitute its main methods for detecting and preventing FCA violations and other fraud, waste, and abuse. TMC has established a compliance department and has appointed a compliance officer and compliance committee to administer its compliance plan. The compliance department focuses primarily on training, education and auditing of procedures and practices at the TMC, and additionally investigates alleged non-compliance. TMC's compliance officer has oversight responsibility for administering the compliance plan and reports all compliance concerns to the TMC's executive officers and/or board of directors.

Employees may make complaints or allege violations of the compliance plan to the compliance officer, to management, or to the board directly or through the TMC's hotline.

#### **Conflicts of Interest**

Employees and trustees of TMC hold public trust. Any attempt by TMC trustees, officers, or employees to use their positions to profit personally other than as provided by law or as natural consequence of employment is a violation of that trust.

A conflict of interest may occur if your outside activities or personal interests influence or appear to influence your ability to make objective decisions in the course of your TMC job responsibilities. A conflict of interest may also exist if the demands of any outside activities hinder or distract you from the performance of your job or cause you to use TMC resources for personal purposes. It is your obligation to ensure you remain free of conflicts of interest in the performance of your responsibilities at TMC. If you have any question about whether an outside activity might constitute a conflict of interest, you must obtain the approval of your supervisor before pursuing the activity.

All conflicts of interest, including potential conflicts of interest, will be researched and addressed in an effort to resolve the conflict of interest abiding by state and federal legal regulations and requirements. Discussion at the senior leader level will be initiated, whereby problem resolution will be the primary goal.

#### **Resources for Guidance and Reporting Violations**

TMC is committed to ethical and legal conduct that is compliant with all relevant laws and regulations and to correcting wrongdoing wherever it may occur in the organization. All Colleagues have an individual responsibility for reporting any activity by any employee, trustee,

agent, physician, independent contractor, vendor, or supplier that appears to violate applicable laws, rules, regulations, guidelines, or this Code of Conduct. All reports may be made in a confidential manner without fear of retaliations. However, any TMC Colleague who deliberately makes a false accusation with the purpose of harming or retaliating against another employee will be subject to discipline.

To report a suspected violation or to obtain guidance on an issue, you may choose from several options. The following are the recommended steps for dealing with an issue:

1. Speak with your immediate supervisor or department manager if you are comfortable doing so.
2. If your supervisor is not available or if you are not comfortable approaching him or her, you may contact TMC's Compliance Officer by calling extension 2815 (or by calling 725-2815)
3. If none of the above steps is available or comfortable, you may call the Confidential Compliance/HIPAA Hotline.

You are always free to contact the Hotline at 1-800-273-8452. The Confidential Compliance/HIPAA Hotline is intended to identify and address improper conduct as quickly as possible. You may make a report to the Compliance Hotline without fear of retaliation and, if you prefer, you may remain anonymous. The Compliance Hotline is available 24 hours a day. Please keep the wallet-sized card you receive for quick reference regarding the Compliance Hotline.

In the event that you have a question or complaint specifically related to the privacy or security of protected patient health information, you may contact the Privacy Officer.

We are committed to investigating all reported concerns promptly and confidentially to the extent possible. The Compliance Officer will coordinate any findings from the investigations and immediately recommend corrective action or changes that need to be made. We expect all employees to cooperate with investigation efforts. Where an internal investigation substantiates a reported violation, it is the policy of TMC to take appropriate corrective action.

### **Violations and Discipline**

TMC requires that all TMC Colleagues abide by the principles set forth in this Code of Conduct. Failure to abide may lead to disciplinary action. It is important that this Code of Conduct is understood and practiced daily, as TMC will take action to uphold and enforce these standards. When you sign the acknowledgement form indicating that you have received, read and understand this Code of Conduct, you will be expected to follow the standards and guidelines contained within it.

The following will be considered violations of Delta Health System-The Medical Center's Code of Conduct:

- Violation or an attempt to commit a violation, of a Code of Conduct or Compliance Program standard.

- A dishonest act or an attempt to commit a dishonest act.
- Any improper or dishonest act which has an impact on TMC's integrity, business practices or provision of health care.
- Failure to report a known Code of Conduct violation or other unethical activity.
- Failure to follow the Code of Conduct, TMC policies and procedures, or any applicable federal or state law, regulation or guideline will result in disciplinary action. The precise discipline utilized, in the case of violation, will depend on the nature, severity, and frequency of the violation and will be imposed in accordance with existing TMC discipline policies and procedures.

### ***Disclosure Statement***

The Code of Conduct serves as a baseline for the overall activity of the Compliance Plan of Delta Health System-The Medical Center. Policy development, implementation, and revisions will be periodically added and/or updated when necessary. The status of any policy can be found in the Compliance Office.

### **Compliance Issues and Examples**

The Code of Conduct is not intended to provide answers to every question that you may have about TMC's policies or federal and state laws and regulations. The following questions and answers are intended to increase your understanding of how the specific guidelines must be applied.

### ***The Compliance Program***

*If I have a question about workplace conduct or saw something that I thought was wrong, who should I contact?*

We have provided several resources for you to turn to with such concerns. We encourage you to talk to your department manager first. However, if for any reason you do not feel comfortable talking to your manager or if your manager did not answer the question or address the problem to your satisfaction, you do have other options. You may wish to speak with the Compliance Officer or call the Confidential Compliance/HIPAA Hotline at 1-800-273-8452.

*If I report something suspicious, will I get in trouble if any suspicion turns out to be wrong?*

As long as you honestly have a concern, our policy prohibits your being reprimanded or disciplined. As a TMC employee, you have a responsibility to report suspected problems. In fact, employees may be subject to discipline if they witness something but do not report it to the appropriate personnel. The only time someone will be disciplined for reporting misconduct is if he or she knowingly and intentionally reports something that he or she knows to be false or misleading in order to harm someone else.

*What should I do if my supervisor/manager asks me to do something that I think violates the Code of Conduct, TMC's policy or is illegal?*

Do not do it. No matter who asks you to do something you know is wrong, you must refuse to do it. You must also immediately report the request to the Compliance Officer or the Confidential Compliance/HIPAA Hotline.

### ***Ethical Behavior Generally***

*How do I know if I am on ethical "thin ice"?*

If you are worried about whether your actions will be discovered, if you feel a sense of uneasiness about what you are doing, or if you are rationalizing your activities on any basis (such as perhaps the belief that "everyone does it"), you are probably on ethical "thin ice". Stop, step back, consider what you are doing, get advice, and redirect your actions towards the "right thing".

### ***Accuracy, Retention, and Disposal of Documents***

*In preparation for an accreditation visit, my supervisor has asked me to review medical records and to fill in any missing signatures. May I do this?*

No. It is wrong to sign another health care provider's name in the medical record. It is part of TMC's basic integrity obligation to provide only complete and fully accurate information to accrediting groups.

### ***Business Courtesies***

*A patient with a chronic health condition is frequently admitted to TMC for treatment. He routinely tips his primary nurse around \$100. May the nurse accept it?*

No. Cash gifts must never be accepted from anyone with whom we have a business relationship.

*May I accept a basket of fruit or flowers that a patient sent?*

Yes. Gifts to an entire department may be accepted if they are consumable or perishable.

### ***Conflicts of Interest***

*I am planning a dinner meeting at our hospital. My daughter owns a catering service in town. May I pick her catering service if the prices are comparable to other restaurants?*

No. This may seem unfair, but you must avoid even the appearance of favoritism.

### ***Patient Information***

*We live in a small town, and most of the community knows each other. There is a physician in our hospital that sometimes requests medical records, whether he is taking care of the patient or not. Is he allowed to do this?*

No. Only the attending, covering or consulting physicians may have access to patient medical records. We are responsible for protecting the confidentiality of patient information from interested third parties as well as our staff. Patients are entitled to confidentiality, the protection of their privacy, and the release of information only to authorized parties.

*I recently saw my neighbor while he was in the hospital receiving treatment. I am not involved in his treatment but am concerned about his health. May I ask the nurse about his condition?*

No. You are entitled to receive only the patient-protected health information necessary to carry out your job functions. If the neighbor is currently an inpatient, you may receive the information available on the facility directory.

### ***Personal Use of Hospital Resources***

*Can I type my spouse's resume on my computer?*

Possibly. If you use computer during non-working hours, you may be permitted to type personal documents, but always check with your department manager first.

*I volunteer for the Boys Club. May I copy a fund raising leaflet?*

TMC encourages all employees to participate in volunteer activities. Hospital equipment, however, must not be used for charitable or other non-business purposes without prior approval from your department manager.

### ***Political Activities and Contributions***

*I do volunteer work for a local candidate for office. May I use the copy machine to make flyers?*

No. You may not use TMC's time or resources to support political activities that are undertaken on a personal basis, as is the case here.

### **Final Remarks**

**Delta Health-The Medical Center is only as good and as ethical as each TMC colleague!**

This really is not "The End". There is not a finish line when it comes to doing the right thing. It is an ongoing effort on behalf of each and every TMC Colleague. Our goal is to maintain an ethical environment and an effective Compliance Program. We strive to run a hospital of which you can be proud, where you respect the decisions made and act in an appropriate and ethical manner. We thank you!

### Acknowledgment Process

Delta Health-The Medical Center requires all employees, trustees, medical staff members, privileged physicians and other affiliated medical professionals, volunteers, independent contractors, agents, vendors, and suppliers ("TMC Colleagues") to sign an acknowledgment confirming they have received the Code of Conduct, understand it represents mandatory policies of TMC and agree to abide by it. Signing this acknowledgment is a condition of employment and medical staff privileges.

This Code of Conduct will be distributed to all current TMC Colleagues to read and acknowledge, and the acknowledgment will be kept on file. At the beginning of each fiscal year, each TMC Colleague will repeat the procedure and sign another acknowledgement. Within four weeks of initiating a relationship with TMC (or during orientation), new TMC Colleagues will read the Code of Conduct and sign the acknowledgment.

Adherence to and support of TMC's Code of Conduct and participation in related activities and training will be considered in decisions regarding hiring, promotion, and compensation for all employees and reappointment for medical staff members.

### Acknowledgment

I certify that I have received the Delta Health-The Medical Center Code of Conduct, understand it represents mandatory policies of the organization, and agree to abide by it.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Position: \_\_\_\_\_

Department: \_\_\_\_\_

Date: \_\_\_\_\_

Revision Date: May 5, 2023